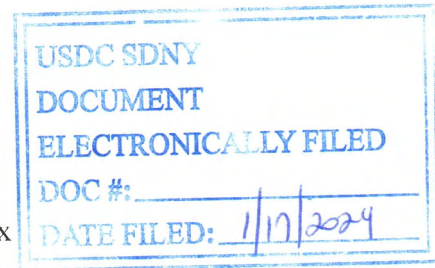


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



SAFAVIEH INTL, LLC,

Plaintiff,

-- against --

CHENGDU JUNSEN FENGRUI TECHNOLOGY CO,
LTD.-TAO SHEN and DOES 1-10,

Defendants.

Case No. 1:23-CV-03960-CM

**DEFAULT JUDGMENT
AND PERMANENT
INJUNCTION ORDER**

ORDER

Plaintiff Safavieh Intl LLC (“**Plaintiff**”), by their attorneys Kaufman & Kahn, LLP, having commenced this action against Defendant Chengdu Junsen Fengrui Technology Co, Ltd.-Tao Shen (the “**Corporate Defendant**”) the unknown individuals who own and/or operate the Corporate Defendant (the “**Doe Defendants**” and, together with the Corporate Defendant, “**Defendants**”); and Defendants having been properly served with the Summons and Amended Complaint on September 6, 2023, pursuant to the Court’s Order for Alternative Service dated September 5, 2023 and entered the same day (the “Order”);

None of the Defendants having filed a response to Plaintiff’s Amended Complaint or otherwise appeared in this action;

The Clerk of the Court having issued a Certificate of Default dated October 3, 2023 and entered the same day;

Plaintiff having moved for default judgment under Fed. R. Civ. P. 55 and for a Permanent Injunction; and

The Court having reviewed the Complaint, Memorandum of Law in support of this Order, and the supporting declaration submitted therewith, and pursuant to all papers and proceedings to date, this Court now finds with respect to the Defendants the following:

1. In 2016, prior to the acts of Defendants alleged therein, Plaintiff created certain rug designs (the "Plaintiff Designs") and registered the copyright therein with the U.S. Copyright Office.
2. Chengdu Junsen Fengrui Technology Co, Ltd.-Tao Shen is the name Defendants used to sell rugs on Amazon.
3. The Plaintiff Designs were advertised for sale on the internet (Dkt. 1, ¶ 13), which gave Defendants access to such designs.
4. Without Plaintiff's authorization, consent or knowledge, the Corporate Defendant sold rugs through Amazon which were substantially similar if not identical to Plaintiff's rug designs.
5. At all relevant times, Defendants Does 1-10 were and are the moving, active and conscious forces behind defendant the Corporate Defendant's copyright infringement.
6. Defendants sold a variety of such infringing rugs on Amazon using certain Amazon Standard Identification Numbers (ASINs) set forth in Exhibit E to the Complaint.
7. As a result of Defendants' acts of copyright infringement and unfair competition, Plaintiff has suffered damages and lost gains, profits and advantages, all of which Plaintiff is currently unable to ascertain.
8. Defendants' acts constitute copyright infringement in violation of the exclusive rights of Plaintiff under Section 106 of the Copyright Act, 17 U.S.C. § 106.

9. Defendants' infringement of Plaintiff's rights under copyright is knowing and willful, has caused damages to Plaintiff and enabled Defendants to profit illegally therefrom.

10. Defendants' conduct has caused and will continue to cause irreparable injury to Plaintiff unless enjoined by this Court. Plaintiff has no adequate remedy at law.

11. Defendants are liable for copyright infringement because the Defendant's rug designs are virtually identical to the Plaintiff's copyright-registered rug designs and sold without authorization or consent of Plaintiff.

12. Defendants have gone to great lengths to conceal themselves and their ill-gotten proceeds from Plaintiff's and this Court's detection, including by using a false address associated with their operations and purposely-deceptive contact information for selling their infringing goods; and

13. Plaintiff's harm from denial of the requested Preliminary Injunction would outweigh any harm to Defendants' legitimate interests from granting such an Injunction.

IT IS HEREBY ORDERED that Plaintiff are awarded damages against Defendants in the following amounts:

A. Granting in favor of Plaintiff and against Defendants an award of statutory damages in the amount of \$300,000 plus attorneys' fees and costs, and pre- and post-judgment interest at 9% per year;

B. Granting to Plaintiff and against Defendants an award for attorneys' fees and costs of this action in an amount to be determined;

IT IS FURTHER ORDERED that injunctive relief is granted to Plaintiff as follows:

A. Defendants are permanently enjoined from infringing Plaintiff's rug designs;

B. Amazon is directed to provide destroy all of Defendants' infringing rugs, including those bearing the ASIN's listed in Exhibit A hereto;

- C. Amazon, and any other person or entity, is directed to withhold payment of any amounts Amazon or any other person or entity may owe to the Corporate Defendant and to pay over such amounts to Plaintiff until the amount of the award for damages, attorneys' fees and costs is paid in full; and
- D. Any credit card company is directed to restrain any Defendant's funds and pay them over to Plaintiffs after 30 days.

II. Post-Judgment Discovery

IT IS FURTHER ORDERED, that Plaintiff may engage in post-judgment discovery pursuant to Fed. R. Civ. P. Rule 69 by providing actual notice, pursuant to subpoena or otherwise, of this Order to any of the following: (1) Defendants, their agents, servants, employees, affiliates, attorneys, successors or assigns and any persons acting in concert or participation with them; (2) Amazon and any other retailer that advertises or sells Defendants' rugs that infringe on Plaintiff's rug designs ("**Online Retailers**"); and/or (3) any banks, savings and loan associations, merchant account providers, payment processors or providers, credit card associations, or other financial institutions, including without limitation, PayPal, which receive payments or hold assets on behalf of Defendants or of the infringing Website; and

IT IS FURTHER ORDERED, that any Online Retailer as defined above shall within five (5) days after receipt of such notice, provide copies of all documents, communications and records in such person or entity's possession or control relating to any of the following:

- A. The identities and addresses (physical and email) of Defendants, their agents, servants, employees, confederates, and any persons acting in concert or participation with them and the locations and identities of Defendants' operations, including without limitation, identifying information associated with Defendants and their financial accounts;

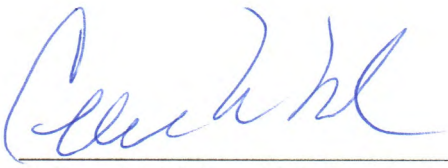
- B. Any financial accounts owned or controlled by Defendants, including their agents, servants, employees, confederates, attorneys, and any persons acting in concert or participation with them, including such accounts residing with or under the control of any banks, savings and loan associations, merchant account providers, payment processors and providers, credit card associations, or other financial institutions, including without limitation, PayPal; and
- C. Any assets or goods owned or controlled by Defendants.

III. **Service of Process via Email**

IT IS FURTHER ORDERED, that Plaintiff shall serve a copy of this Order and service of process on Defendants through the email address junsen336@163.com as set forth in the Order for Alternative Service, which Plaintiff have demonstrated will provide adequate notice to Defendants pursuant to Fed. R. Civ. P. 4, shall be deemed sufficient service; and

IT IS FINALLY ORDERED that this Court shall retain jurisdiction over the parties and the subject matter of this litigation for the purpose of interpretation and enforcement of this Default Judgment and Permanent Injunction Order.

Dated: January 17, 2024



Colleen McMahon, U.S. District Judge

EXHIBIT A:
Links to Amazon and
Amazon Standard Identification Numbers (ASINs)
For the Infringing Designs

- A. Amazon Link to Infringing Design: [Amazon.com: Wonnitar Machine Washable Runner Rug - 2'6"x8' Non-Slip Ultra-Thin Hallway Rug Runner, Bohemian Kitchen Runner Bedroom Carpet Runner, Southwestern Non-Shed Distressed Bathroom Laundry Vintage Mat : Home & Kitchen](#)

Compare: Safavieh Design MNC222

First Available Date on Amazon: 09/13/2022

ASINs related to Infringing Design (removed by Amazon)

B0BX3C7S8Q
B0BX3G9B8Q
B0BX3KXLZX
B0BX3QFGF2
B0BX3RPZCS
B0BX3T76MQ
B0BX3TJDK4
B0BX3WPWZX

ASINs related to Infringing Design (still sold by Amazon):

B0BF5KRT1L
B0B4P14VWP
B0B4NZDDWN
B0BPHTDC7S
B0BPHJ125W
B0B4NYTTWB
B0BPHN9T83

- B. Amazon Link to Infringement Item- [Amazon.com: Wonnitar Bohemian Medallion Area Rug - Green 3x5 Washable Entry Rug Boho Bedside Rug Vintage Distressed Non-Slip Door Mat Throw Carpet for Entrance Bathroom Laundry Kitchen Indoor Office : Home & Kitchen](#)

Compare Safavieh Design MNC243

ASINs for this Infringing Design:

B09M6M7TK2
B09M6M8JTG
B09M6PRXHG
B09M6Q1TGQ
B09M6QPL8X
B09M6QWBPM
B09M6RW9HK
B09M6RWPCM
B09M6S3QRD
B0B4WHK97J
B0B4WHZ76N
B0B4WJH1T2
B0B4WKF3Z4
B0B4WKY9GL
B0B4WL8GGJ
B0BNL4SMP5
B0BNL5KD6P
B0BNL5LLTY